

**CHILDREN'S INTERNET PROTECTION ACT**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Michael E. Noel**

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Community and Economic Development Code related to a public library.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a public library from receiving state funds unless the library implements and enforces measures to filter Internet access to certain types of images;
- ▶ allows a public library to block materials that are not specified in this bill; and
- ▶ allows a public library to disable a filter under certain circumstances.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**9-7-215**, as enacted by Chapter 136, Laws of Utah 2000

**9-7-216**, as enacted by Chapter 172, Laws of Utah 2001

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **9-7-215** is amended to read:

**9-7-215. Internet and online access policy required.**

(1) As used in this section:

(a) "Child pornography" is as defined in Section 76-5a-2.

(b) "Harmful to minors" is as defined in Section 76-10-1201.

(c) "Obscene" is as defined in 20 U.S.C. Sec. 9101.

(d) "Technology protection measure" means a technology that blocks or filters Internet access to visual depictions.

~~[No state]~~ (2) State funds [shall] may not be provided to any public library that offers use of the Internet or an online service to the public unless the library [adopts and enforces];

(a) (i) has in place a policy [to restrict access by minors to Internet or online sites that contain obscene material.] of Internet safety for minors including the operation of a technology protection measure:

(A) with respect to any publically accessible computer with Internet access; and

(B) that protects against access to visual depictions that are:

(I) child pornography;

(II) harmful to minors; or

(III) obscene; and

(ii) is enforcing the operation of the technology protection measure described in Subsection (2)(a)(i) during any use of a computer by a minor; and

(b) (i) has in place a policy of Internet safety including the operation of a technology protection measure:

(A) with respect to any publically accessible computer with Internet access; and

(B) that protects against access to visual depictions that are:

(I) child pornography; or

(II) obscene; and

(ii) is enforcing the operation of the technology protection measure described in Subsection (2)(b)(i) during any use of a computer.

(3) This section does not prohibit a public library from limiting Internet access or otherwise protecting against materials other than the materials specified in this section.

(4) An administrator, supervisor, or other representative of a public library may disable a technology protection measure described in Subsection (2):

(a) at the request of a library patron who is not a minor; and

(b) to enable access for research or other lawful purposes.

Section 2. Section **9-7-216** is amended to read:

**9-7-216. Process and content standards for policy.**

(1) (a) Each library's policy shall be developed under the direction of the library board, adopted in an open meeting, and have an effective date. The library board shall review the policy at least every three years, and a footnote shall be added to the policy indicating the effective date of the last review.

(b) Notice of the availability of the policy shall be posted in a conspicuous place within the library for all patrons to observe. The library board may issue any other public notice it considers appropriate to inform the community about the policy.

(2) The policy shall:

(a) state:

(i) that it restricts access [by minors] to Internet or online sites that contain [obscene] material described in Section 9-7-215; and [shall state]

(ii) how the library board intends to meet the requirements of Section 9-7-215;

(b) inform patrons that administrative procedures and guidelines for the staff to follow in enforcing the policy have been adopted and are available for review at the library; and

(c) inform patrons that procedures for use by patrons and staff to handle complaints about the policy, its enforcement, or about observed patron behavior have been adopted and are available for review at the library.